

REMARKS

Claims 1-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton et al. (5,831,664) in view of Terakado et al. (6,311,329) and Stautner et al. (6,172,677).

With regard to Claims 1, 9 and 17, the Examiner states that Wharton disclose an entertainment system a unit to transmit and receive information via a wireless connection; a plurality of hand held devices capable of simultaneously communicating with said unit wherein each apparatus comprises a control unit to interact with an application. While the Examiner acknowledges that Wharton fails to disclose the application is an electronic program guide and an indicator to indicate availability of an interactive function in a program corresponding to the EPG, the Examiner asserts that Terakado teaches it was well known to use handheld devices to conveniently view program guide information. The Examiner therefore assert that it would have been obvious to a person of skill in the art to modify the system of Wharton to use handheld devices to view an EPG. Finally, while the Examiner also asserts that although Wharton and Terakado fail to disclose an indicator to indicate availability of an interactive function in a program corresponding to the EPG, the Examiner asserts that Stautner teaches an EPG that includes indicators to indicate availability of interactive functions in programs corresponding to the EPG. The Examiner thus concludes that it would have been obvious to one skilled in the art to modify the system of Wharton and Terakado to include an indicator to indicate availability of an interactive function in a program corresponding to the EPG, as

taught by Stautner, for the benefit of providing an enhanced EPG with improved flexibility in providing access to information to users.

In response, Applicant has amended the independent claims to recite that the EPG is selectively programmed by one of the hand-held devices, which selective programming of the one hand-held device is then communicated to one or more of the other hand-held devices. This "sharing" of selected EPG programming is not taught by any of the asserted references of record. Therefore, reconsideration of the Section 103 rejection is respectfully requested.

With regard to Claims 2, 10 and 18, the Examiner states that Terakado and Stautner disclose the system of Claims 1, 9 and 17 wherein the indicator is displayed on a display of the apparatus. With regard to Claims 3, 4, 7, 11, 12, 15, 19, 20 and 23, the Examiner states that Wharton, Terakado and Stautner disclose the system of Claims 1, 2, 9, 10, 17 and 18, but fail to disclose the display changes background colors or generates sound to indicate the availability of the interactive function in the program corresponding to the EPG (but the Examiner then asserts that it is notoriously well known in the art to change the colors of a displayed background in order to draw a viewer's attention to an object or occurrence of interest). Still further, the Examiner asserts that it would have been obvious to one skilled in the art to modify Wharton, Terakado and Stautner to include the display changing background colors or generates a sound, such as a beep or chime, to indicate the availability of the interactive

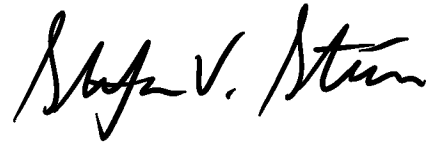
function in the program corresponding to the EPG. With regard to Claims 5, 13 and 21, the Examiner states that Wharton, Terakado and Stautner disclose the system of Claims 1, 9 and 17, wherein the apparatus is a personal digital assistant. Regarding Claims 6, 14, and 22, the Examiner states that Wharton, Terakado and Stautner disclose the system of Claims 1, 9 and 17, wherein the apparatus is a web phone. Regarding Claims 8, 16 and 24, the Examiner states that Wharton, Terakado and Stautner disclose the system of Claims 1, 9 and 17, wherein the indicator is a section of the apparatus that illuminates to indicate the availability of the interactive function in the program corresponding to the EPG.

However, as noted in response to the rejection of the independent claims, none of the asserted references teach the "sharing" of selected EPG programming between or among the hand-held devices. Therefore, reconsideration of the Section 103 rejection of these dependent claim is likewise respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization,

or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stefan V. Stein". The signature is fluid and cursive, with the first name "Stefan" and last name "Stein" clearly distinguishable.

Stefan V. Stein Reg. No. 29,702
Holland & Knight LLP
P.O. Box 1288
Tampa, Florida 33601-1288
Telephone: 813/227-8500
Facsimile: 813/229-0134

4460737_v1